

following remarks. Claims 1, 5, 7, and 13 have been amended. Claim 3, 4, 6, and 14 have been canceled. Claims 1, 2, 5, and 7-10 and 13 remain in the case for consideration.

A petition and Fee for Extension of Time under 37 CFR 1.136(a) and payment thereof for a two month extension is attached hereto.

1. The Election and withdrawal of claims 11 and 15-18 is noted.

2. The acceptability of the informal drawings for examination purposes is noted and appreciated.

3. The Abstract has been amended to include less than 150 words. Reconsideration is respectfully requested.

4. The Examiner notes that the specification contains several references to a currently abandoned application (09/685,411). This application was either unavoidably or unintentionally abandoned and efforts are presently in process to revive it. It is respectfully requested that the Examiner hold in abeyance the requirement to amend the specification pending revival of the currently abandoned application. If the application has not been revived prior

to an allowance of the instant invention, the undersigned would be pleased to include any amendment to the specification that the Examiner wishes. If the Examiner wishes to include some form of a current amendment, the undersigned would be pleased to comply or, alternatively, the Examiner is courteously requested to do so by Examiner's amendment. Reconsideration is respectfully requested.

5-6. The recitation of 35 USC 112 and rejection of claim 14 is noted.

The limitations of now canceled claims 3, 4, 6, 14 have been incorporated into base claim 1.

It was unclear to the Examiner regarding claim 14 as to how the fan was attached. The instant recitation of claim 1 includes the limitations of claim 14 and does so in a way that positively recites exactly what is located where.

Paraphrasing, the hose includes a first end and a second end and it vents to a distal location that is outside the room where the commode is located. The fan is located at the second end of the hose. Accordingly, the instant recitation of claim 1 is now believed to positively recite and distinctly claim the subject matter the inventor regards as his. Reconsideration is respectfully requested.

7-9. The recitation of 35 USC 103 and the rejection of claim 1 under Maier in view of Wix, and of claims 2-10, and 13-14 also in view of Holley is noted.

Claim 1 has, as mentioned hereinabove, been amended to include the limitations of now canceled claims 3, 4, 6, and 14. These elements, in combination, define a portable commode with distinct elements that interface the portable commode with a location outside the room.

The Examiner is courteously urged to review the remarks section of all prior amendments as filed appertaining to this application. This is because it is well believed that all prior art that teaches venting, of any capacity to an outside location, does so with a fixed in place conventional toilet. Any venting of a "portable commode" is accomplished within the room the commode is located in. This is the state of the known prior art.

It is respectfully believed that it is counter-intuitive to attach hoses to a portable commode, generate a negative pressure, and vent it outside the room. That in itself is where the novelty is believed to be found.

In support of this position, it is submitted that the attachment of hoses and means to vent outside the room and DC motors that create a vacuum in the hose to a portable commode makes the portable commode considerably less portable. As long as the hoses are attached, it is not portable for any length that is longer than the hose. This is fact. Therefore, these modifications to a portable commode, clearly **teach away** from all known improvements and uses for a portable commode.

These are believed to be substantial changes over all teachings found in the portable commode prior art. If there were no significant benefits so obtained, the Examiner might be correct in picking and choosing references to find the various elements thereof.

However, there are especially significant benefits that are provided. The portable commode can be placed in close proximity to a bed of the elderly, ill, and injured and the venting system left on. When this is done, no odor from their bodily waste can enter the room.


A negative pressure ensures that even if the hose develops a leak, noxious vapors cannot be vented into the room. Instead, ambient air in the room is drawn in through

the hole in the hose and mingles with the noxious fumes that are being vented outside of the room.

Therefore, people restricted to their beds or limited in mobility benefit substantially.

It is profoundly distasteful for the aged, ill, and injured to use a portable commode beside their bed (because they are not sufficiently mobile to reach the bathroom) and then have to smell their bodily wastes for extended periods of time (until help is available to remove the waste material). The instant invention solves this long standing need.

In any consideration of obviousness, it is submitted that the issue demands more than merely finding a plethora of references that, when combined, include the claimed elements or variations of the claimed elements. The problem solved has relevance. The prior art does not teach making a portable commode non-portable by attaching hoses, motors, and venting it to the outside, as claimed. Anything but.



Yet, when these elements are combined, a new previously unavailable and especially substantial benefit is obtained: a portable commode that doesn't produce any odors whatsoever

in the room. This not only feels better, but it may actually be healthier and promote healing and recovery. Moreover, the portable commode, as claimed, sets up a negative pressure in the room. This promotes the movement of air and the introduction of fresh air into the room.

As the prior art inventors had a **duty** to disclose the best mode for bringing forth their inventions, had they any awareness of the problem of odors emanating from a portable commode disposed by a bed and polluting the air proximate a bed ridden patient, they would have had to have presented such knowledge in their disclosures. Their silence is proof that they were unaware of either the problem of offensive odors from a **portable commode** or of the benefits the instant invention, as claimed, provides.

These elements now combine in newly recited claim 1 as follows:

Claim 1, as amended, now recites,

"1. A portable venting commode, comprising:

(a) a portable frame structure;

(b) a toilet seat attached to said portable frame structure; and

(c) means for venting vapors to a distal location that is disposed outside of a room where said portable frame structure is disposed and wherein said means for venting includes a hose, and wherein a first end of said hose is attached to said portable frame structure and wherein an opposite second end of said hose is adapted to exhaust said vapors to said distal location that is disposed outside of the room where the portable frame structure is disposed; and wherein

said means for venting vapors to a distal location includes a flexible hose and a fan that is powered by a DC motor and wherein said fan is attached to said second end of said hose and wherein said fan is adapted to generate a negative pressure in at least a portion of said flexible hose that is disposed intermediate said portable frame structure and said fan and wherein a discharge side of said fan includes means for venting said vapors to a location that is outside of the room in which said portable frame structure is disposed."

The instant recitation of claim 1 must now include, these elements in combination:

1. a portable frame structure
2. a toilet seat
3. means for venting vapors outside the room
4. a hose
 - first end attached to portable frame
 - second end exhausts outside the room
5. the hose is flexible
6. DC powered fan at second end of hose
7. fan generates a "negative" pressure
 - (i.e., a vacuum) in the hose between fan
 - and the portable frame
8. discharge side vents to a location outside the room.

The prior art fails to teach or suggest these elements in combination. Reconsideration of the remarks sections of prior submissions by the applicant and of the rejections is respectfully requested.

As remaining dependent claims 2, 5, and 7-10 and 13 depend from claim and include the limitations thereof, these claims are also believed to be in condition of allowance.

1, 2, 5, 7-10, *

As all remaining claims ~~1-10~~ and 13~~4~~ appear to be in condition of allowance, reconsideration thereof is respectfully requested and a notice of allowance is courteously urged at the earliest time.

10. The previous Response to Arguments is noted. If for any reason the Examiner is not fully persuaded that the remaining instant claims are in condition of allowance, any helpful suggestions that the Examiner would care to offer for the purpose of advancing the useful arts would be greatly appreciated. Accordingly, the Examiner is courteously urged to telephone the undersigned.

11. The prior art made of record has been viewed by the undersigned and is deemed no more relevant than the applied references.

All opportunity to contact the Examiner is noted and appreciated.

Respectfully submitted,

 October 7, 2003
Risto A. Rinne, Jr.

37,055

2173 East Francisco Blvd.
Suite E
San Rafael, CA 94901
1-415-457-6933